

From: 32987-40497258@requests.muckrock.com
To: [USOGE](#)
Subject: [GRAYMAIL] Freedom of Information Request: EOPmails (OGE)
Date: Monday, February 06, 2017 2:42:29 PM

February 6, 2017
Office of Government Ethics
OGE FOIA Officer
Office of Government Ethics
Suite 500,
1201 New York Avenue, NW
Washington, DC 20005-3917

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

a copy of all emails from the domain EOP.gov to senior managers encompassed within the required agency system for retaining emails of senior officials. Frequently this records management policy/system is described by the name Capstone.
<https://www.archives.gov/records-mgmt/grs/grs06-1-faqs.html>

If the agency has not yet established NARA-compliant email retention procedures, then I instead request an electronic search of the mailboxes of agency senior managers for all emails that include the EOP.gov phrase in the FROM address.

I limit this request to the time period January 20, 2017 to the present.

I am a member of the news media and request classification as such. I have previously written about the government and its activities for AND Magazine, MuckRock and Glomar Disclosure and have an open arrangement with each. My articles have been widely read, with some reaching over 100,000 readers. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through the non-profit Internet Archive, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

Additionally, case law states that "proof of the ability to disseminate the released information to a broad cross-section of the public is not required." Judicial Watch, Inc. v. Dep't of Justice, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see Carney v. U.S. Dep't of Justice, 19 F.3d 807, 814-15 (2d Cir. 1994). Further, courts have held that "qualified because it also had "firm" plans to "publish a number of . . . 'document sets'" concerning United States foreign and national security policy." Under this criteria, as well, I qualify as a member of the news media.

Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be "made by" a representative of the news media. Id. § 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request itself are moot

for the purposes of determining the appropriate fee category. As such, my primary purpose is to inform about government activities by reporting on it and making the raw data available and I therefore request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Michael Best

Filed via MuckRock.com
E-mail (Preferred): 32987-40497258@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock
DEPT MR 32987
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
